IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. : 10868 of 2002,10869 of 2002,10872 of 2002,10880 of 2002 and 10914 of 2002.

W.P.NO.10868 OF 2002

Between:

The Depot Manager, A.P.S.R.T.C., Jagtial Depot,
Karimnagar.

..... PETITIONER

AND

1 Kadarla Raju, S/o.Rajanna,
Jagtial Depot, R/o.H.NMo.4-6-176,
Ganeshnagar, Jegtial-505327, Karimnagar District.

2 The Labour Court,
Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the award in I.D.No.127/2000 dated 20.8.2001 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal by

way of issue of a Writ of Certiorari or any other appropriate writ, order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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W. P. NO : 10869 of 2002

Between:

The Depot Manager. A.P.S.R.T.C., Jagtial Depot,
Karimnagar.

..... PETITIONER

AND

1 Peddapally S.Krishna, S/o.Venkataiah,
A.P.S.R.T.C., Jagtial Bus Depot, Puranapet,
Jagtial, KRMR District.

2 The Labour Court,
Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the award in I.D.No.129/2000 dated 20.8.2001 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal by way of issue of a Writ of Certiorari or any other appropriate writ, order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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W. P. NO : 10872 of 2002

Between:

The Depot Manager, A.P.S.R.T.C., Jagtial Depot,
Karimnagar.

..... PETITIONER

AND

1 N.Bhumanna, S/o.N.Gangareddy,
A.P.S.R.T.C., Jagtial Bus Depot, R/o.Chelgal,
Jagtial Mandal, KRMR District.

2 The Labour Court,
Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the award in I.D.No.130/2000 dated 20.8.2001 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal by way of issue of a Writ of Certiorari or any other appropriate writ, order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

W. P. NO : 10880 of 2002

Between:

The Depot Manager, A.P.S.R.T.C., Jagtial Depot,
Karimnagar.

..... PETITIONER

AND

1 S.Narender, S/o.Mr.Laxman,
H.No.6-2-60, Hanmanwada, Jegtial-505 327,
Karimnagar District.

2 The Labour Court,
Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the award in I.D.No.131/2000 dated 20.8.2001 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal by way of issue of a Writ of Certiorari or any other appropriate writ, order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

W. P. NO : 10914 of 2002

Between:

The Depot Manager, A.R.S.R.T.C. Jugtial Depot,
Karimnagar District.

..... PETITIONER

AND

1 S.Srinivas , S/o. Narayana, Ex.Cl.Cleaneer,
H.No.7-2-69, Annapurna Street,
Pochammawada, Jagtial-505 327, Karimnagar District.

2 The Labour Court, Godavarikhani,
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the award in I.D.No. 133/2000 dated 20-8-2001 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal by way of issue of a Writ or Certiorari or any other appropriate Writ, order or orders as this Honarable court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner (in all the Writ Petitions):SMT.P.RAJANI REDDY, STANDING COUNSEL FOR APSRTC

Counsel for the Respondent No.1 (in all the Writ Petitions): MR.S.A.K.MYNUDDIN

Counsel for the Respondent No.2 (in all the Writ Petitions): G.P. FOR LABOUR

The Court made the following :

COMMON ORDER

Heard Smt.P.Rajani Reddy, learned Standing Counsel appearing on behalf of the petitioner and also Mr.S.A.K.Mynuddin learned counsel appearing on behalf of the 1st respondent.

Since common question arises in all these matters, they are taken up together for disposal.

The petitioner herein, which is a Corporation seeks to assail the award passed by the 2nd respondent in each case directing reinstatement of the 1st respondent with back wages last drawn from the date of filing the application.

The facts which are necessary for disposal of these cases are that admittedly the 1st respondent in all these cases worked under a Contractor for washing and sweeping the buses. They sought reference under the provisions of the Industrial Disputes Act, 1947 (for short 'the Act') and the same were taken up by the 2nd respondent. After holding an enquiry and considering the evidence available on record, the impugned awards have been passed by the 2nd respondent to the effect that since the 1st respondent in all the cases were engaged for sweeping and washing by a contractor and having regard to the

provisions of Contract Labour (Regulation and Abolition) Act, 1970 and since the contract labour is abolished, the Contractor is ignored and the relationship between the 1st respondent and the petitioner can be established for the purpose of the Act. Since the 1st respondent in all the cases were disengaged from the service without following the procedure, they were reinstated. Apparently the said order was made relying on the principles laid down by the Supreme Court in ***All India Statutory Corporation v United Labour Union*** holding that the said relationship exist. Subsequently, the Apex Court has considered the said decision once again. In ***Steel Authority of India Ltd., v National UnionWater Front Workers*** the Apex Court over-ruled the very basic principle. The decision of the Apex Court was on 30-08-2001 whereas all these awards have been passed on 20-08-2001 prior to the decision of the Apex Court. In view of the same, the very basis for which the 2nd respondent sought to proceed is no longer valid under the law and accordingly the matters require for re-consideration afresh as to whether the 1st respondent in all these cases are entitled to any relief.

Accordingly, all the Writ Petitions are allowed setting aside the impugned orders. The matters are remitted to the 2nd respondent for fresh consideration and disposal on merits in accordance with law after giving notice and opportunity to both sides. It shall be open to the 2nd respondent to provide an opportunity to both sides and permit them to lead any further evidence either oral or documentary, if they choose to do so. After receiving papers, the 2nd respondent shall dispose of the same within a period of three months. No costs.

05-04-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Bilal Nazi, the acting Chief Justice, on this Tuesday, the Fifth day of April, 2005.

Asst.Registrar.

To

1. The Depot Manager, A.P.S.R.T.C., Jagtial Depot,
   Karimnagar.

2 The Presiding Officer, Labour Court,
   Godavarikhani, Karimnagar District.

3 2 C.Cs to G.P. for Labour, High Court buildings, Hyderabad
(OUT)

4 2 CD copies.